

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:16CR105
Plaintiff,)
vs.) ORDER
LEONEL ASCENCIO,)
Defendant.)

This matter is before the court on the motion to continue by defendant Leonel Ascencio (Ascencio)(Filing No. 21). Ascencio's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 21) is granted.
2. Trial of this matter is re-scheduled for **January 9, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 22, 2016, and January 9, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 22nd day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge